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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 JOHN K. MCNEAL,

9 Petitioner,

10 v.

11 RICHARD MORGAN,

12 Respondent.

Case No. C03-2822FDB

ORDER OF DISMISSAL

13 Defendant Morgan appealed that portion of the Court's order adopting the Report and  
14 Recommendation that vacated Petitioner's conviction for vehicular assault. The Ninth Circuit  
15 reversed that part of the judgment and denied the petition. Now, therefore, pursuant to the Ninth  
16 Circuit's judgment, this Court's judgment that "the conviction for vehicular assault is vacated" must  
17 be vacated and the petition must be denied. ACCORDINGLY,

18 IT IS ORDERED: In accordance with the Ninth Circuit's decision, this Court's Judgment  
19 that vacated the conviction for vehicular assault is VACATED, McNeal's Petition is DENIED and  
20 this cause of action is DISMISSED.

21 DATED this 3<sup>rd</sup> day of April, 2007.

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23 FRANKLIN D. BURGESS  
24 UNITED STATES DISTRICT JUDGE  
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